in applying our bills of rights, we are not called upon to devise theories of interpretation which will enable the law to grow although tied to authoritative texts. Our task is rather to work out means of developing our received tradition along new lines. But the immediate agency of growth in each case is to be judicial empiricism. This goes without saying in our law, and recent continental writing indicates clearly enough that it will be true substantially for the rest of the world.

In other periods of growth, the chief force has been the attempt of jurists to make law conform to certain ideals. If in the past the mistake has been made of trying to discover universal ideals, valid for all men, in all times, at all places, yet in practice these ideals have proved to be ideals of the epoch and of the locality. They have failed to maintain themselves for the very reason that made them valuable. Purporting to be absolute and universal, they have been relative and even provincial. Hence the easy victory of the historical school, in overthrowing the notion of an absolute natural law, has proved short lived. The attempt to make the law conform to ideals provided a healthy critique for which analysis and history have not been able to afford a substitute.

If judicial empiricism may be guided consciously by philosophical statement of the ends to be reached and a critical study of the judicial sense of right as a source of law, a science of judicial law making may be attained which is of much more practical importance in a period of legal growth than the science of legislative law making, to which we are coming to give so much attention. The reshaping of the traditional element of our law demands some such science, and we cannot be content much longer with theories of law making which neglect the principles and ideals which should govern in shaping the most significant and most enduring portions of the legal system. Professor Jung, therefore, is dealing, from a continental standpoint, with problems with which we also must wrestle. The thoughtful student of American law, and above all the American teacher of law, in whose work, as Professor Williston has shown, ideals of law are especially important, cannot fail to read such a book with profit.

R. P.

A DIGEST OF EQUITY. By J. Andrew Strahan and G. H. B. Kenrick. Third Edition, by J. Andrew Strahan, assisted by C. H. Castor. London: Butterworth & Co. 1913. pp. liv, 562, and 33 (index).

It is something of an undertaking to set forth in an octavo volume of less than six hundred pages the English law on the various subjects included under the head of Equity. Mr. Strahan and Mr. Kenrick, however, have produced such a treatise and one which cannot fail to give the student, for whose use it is primarily intended, a real conception of the system of Equity as administered in the English courts to-day. The statements of the leading principles, which are printed in large type, show a talent for isolating the fundamental. The illustrative cases, about thirteen hundred in number, are well selected and discussed with discrimination.

In dealing with the subject of Trusts, which occupies nearly a third of the book, the authors wisely refrain from attempting to define a trust, but an attentive reader will grasp its real nature and characteristics. It does not seem, however, that the classification of Trusts is altogether fortunate; while the reader will understand what is meant by Declared and Constructive Trusts, the scope of Presumed Trusts is not so evident. The statement (p. 203) that "owing to the decision that trusts in land do not arise by operation of law on the transfer of the land to a person who gives no value, if such a trust is intended it must be evidenced by writing," seems to be misleading as a statement of the English law, in view of the decision of *In re* Duke of Marlborough, [1894] 2 Ch. 133 and the cases there cited. The statement of the doctrine of Subroga-

tion (p. 356) seems hardly accurate. The proposition as to Assignment of After Acquired Property (p. 357) seems to be laid down somewhat too broadly.

The changes in this edition are not extensive. The book on the jurisdiction of Chancery has been recast and enlarged, and to that on Equitable Rights matter has been added relating to Married Women's and Infants' Property. The brevity of the time which has elapsed since the prior editions appeared shows the well-deserved popularity of the book. A. W. S.

THE LAWYER IN LITERATURE. By John Marshall Gest. Boston: Boston Book Co. 1913. pp. xiv, 249.

The scope of this book is indicated by its table of contents, which includes essays on the law and lawyers of Charles Dickens, Sir Walter Scott and Balzac, on the writings of Coke, the influence of Biblical texts on English law, and on the historical method of studying the law, as illustrated by the law of Master and Servant. Most of the chapters have been published previously in law magazines, but they are well worth gathering in a book.

Though the law has always been said to be a jealous mistress, yet a certain flavor of literature has clung to it, and there will be cause for regret if this ceases to be true as the profession becomes more utilitarian in its aims and the work of its members more narrowly specialized.

Dean Wigmore contributes an interesting preface to Judge Gest's book, in which he sets forth the practical advantages to a lawyer of an acquaintance with literature. Doubtless there are practical advantages. If there were none other than to enable him to view in a better perspective faults, real or imaginary, of the law and lawyers, it would be much.

When we read the exhortation of Dick the Butcher to Jack Cade, "The first thing we do, let 's kill all the lawyers"; and discover the length of time that it took Lord Eldon to decide a suit in Chancery, and remember that, nevertheless, the law and lawyers have survived and improved, we are justified in hoping that they may survive a good while longer and make further improvement without a complete social upheaval to bring about these results.

But to those who care for it, literature is likely to be like beauty, its own excuse for being; and if this little book excites an interest in the books with which it deals, and with other books of great writers, it will serve a good purpose. S. W.

REGULATION, VALUATION, AND DEPRECIATION OF PUBLIC UTILITIES. By Samuel S. Wyer. Columbus, Ohio: Sears & Simpson Co. 1913. pp. 313.

There is a good deal that is valuable in this rather unusual book upon the general subject of public-service regulation, and the form of the presentation is well designed to give the reader access to its contents. It is plain that the arrangement of the book has received much thought, and it is worked out in the careful way engineers have. Each chapter is carefully analyzed by a diagram prefacing it, and each paragraph is backed up by a reference to its source in the authorities. The reference data and the selected bibliography increase the value of the book as a reference work. The book is apparently designed to put the engineering profession in touch with the way the legal profession views these problems. But it should be of equal value in putting at the disposal of lawyers the methods used by engineers in reporting upon public utilities. We are undertaking to regulate all the doings of these public services by legal principles now-a-days. And the lawyer must, therefore, have an understanding of the technique of the businesses with which he is dealing, such as he may get in this hand-book for engineers. B. W.